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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,579	03/20/2001	Kenneth A. Welchman	20002.0093	1383

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EXAMINER	
NGUYEN, SANG H	
ART UNIT	**PAPER NUMBER**
2877	

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/811,579	WELCHMAN ET AL.	
	Examiner	Art Unit	
	sang nguyen	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/16/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-30* is/are allowed.

6)☒ Claim(s) *31-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The present Office action is made in response to amendment filed on 12/16/2003. It is noted that the present application contains claims 14-45 and claims 1-13 have been canceled by the amendment filed on 12/16/2003.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 37-44 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 23-27 of copending Application No. 10/292,635. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 31-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (U.S. Patent No. 5,885,173) in view of Yamada (JP 08 309 262).

Regarding claims 31, 33-34, 36-37, 39, 41-42, and 44-45; Yamada discloses a method of automatically inspecting an indicia or a logo print on a game ball, comprising the steps of:

- applying a the indicia, logo print , or primer coats to game ball by a UV curable ink; (8 of figures 1 and 3-4, and col.1 lines 48-67 and col.12 line10 to col.13 line15 or examples 7-8); and
- passing the game ball (8 of figure 3) through an automated inspection system considered to be an operator visually inspects the ball (col. 7 lines 3-10). See figures 1-4.

Keller discloses all of features in claimed invention except for determining conformance of the coat or indicia of the game ball to a predetermined standard. However, Yamada teaches that it is known in the art to provide an image processor (6 of figure 1 and abstract) is coupled to CCD camera (5 of figure 1), for determining conformance of the coat to the game ball (1 of figure 1) to a predetermined standard considered as a previously formed calibration curve which the measurement of film thickness is executed on the game ball. See figures 1-4.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify method of applying indicia to game ball of Keller with determining conformance of the coat or indicia of the game ball to a predetermined standard is taught by Yamada for the purpose of easily and exactly measure the thickness of a clear coating film on the golf ball.

Regarding claims 32 and 38; Keller discloses combining at least one ink with at least one agent to obtain a mixture, wherein the agent is able to be illuminated under non ambient conditions and applying the mixture to game ball (col.2 lines 15-45 and examples 1-7).

Regarding claim 35 and 40; Keller teaches all of features in claimed invention such as a light source for radiating light having UV light to the surface of the game ball except for a wavelength about 300 nm to about 400 nm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a wavelength about 300 nm to about 400 nm of Keller's light source device, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller in view of Yamada as applied to claim 37 above, and further in view of Suhan (U.S. Patent No. 5,181,081).

Regarding claim 43 ; Keller teaches all of features in claimed invention except for the step of using at least one analysis algorithm to determine whether extraneous marks are present on the game ball, wherein the extraneous marks having missing chateracters, ink smudges, or ink smears, and the analysis algorithm to transfer the game ball for processing or rejecting the game ball. However, Suban teaches that it is known in the art to provide using at least one analysis algorithm to determine whether extraneous marks are present on the game ball, wherein the extraneous marks having missing chateracters, ink smudges, or ink smears, and the analysis algorithm to transfer the game ball for processing or rejecting the game ball (col.1 line 10-40 and figures 1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Keller's method and apparatus for automatically inspecting the surface of the golf ball by including using at least one analysis algorithm to determine whether extraneous marks are present on the game ball, wherein the extraneous marks having missing chateracters, ink smudges, or ink smears, and the analysis algorithm to transfer the game ball for processing or rejecting the game ball as taught by Suban. This modification will provide a print scanner for determining defects in the printing of the object when no ink or ink being present or absence on the object.

Allowable Subject Matter

Claims 14-30 allowed.

As to independent claims 14 and 24, the prior art of record, taken alone or in combination, fails discloses or render obvious a method of automatically inspecting a surface treatment on a game ball comprising all the specific elements with the specific combination including of *providing an automated processing comprising a surface treatment application apparatus or a coating application apparatus, an automated inspection system, and a curing apparatus, wherein the curing the surface treatment upon determining conformance of the surface treatment to the predetermined standard* in combination with the rest of the limitation of claims 14 and 24.

Response to Arguments

Applicant's arguments with respect to claims 14-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (571) 272-2425. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Frank Font, can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SN

Nguyen/ sn

March 5, 2004

Frank G. Font

Frank G. Font
Supervisory Patent Examiner
Art Unit 2877
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